

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WILLIAM Y. JONES,)	
)	
Petitioner,)	
)	
v.)	No. 4:07CV1048 CDP
)	
ALBERTO R. GONZALEZ,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's motion to proceed in forma pauperis on appeal. The motion will be denied.

Under 28 U.S.C. § 1915(a)(3), "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." On August 29 2007, the Court entered an Order dismissing petitioner's § 2241 petition for habeas corpus because petitioner had previously filed, and been denied, habeas relief under 28 U.S.C. § 2255 and had neither sought, nor received, permission to file a second or successive petition for habeas corpus in this Court. On this same date, the Court ordered that it would not issue a certificate of appealability. Given the successive nature of this action, the Court certifies that an appeal of its Order of Dismissal would not be taken in good faith under 28 U.S.C. §1915(a)(3). Accordingly, petitioner's motion to proceed in forma pauperis on appeal will be denied.

Accordingly,

IT IS HEREBY ORDERED that an appeal of the August 29, 2007 Order of Dismissal would not be taken in good faith.


IT IS FURTHER ORDERED that petitioner's motion to proceed in forma pauperis on appeal is **DENIED** with prejudice.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order, petitioner shall pay to this Court the full \$455 filing and docketing fees for filing an appeal. Petitioner is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison identification number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.

IT IS FURTHER ORDERED that petitioner shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

IT IS FURTHER ORDERED that the Clerk shall forward a copy of this order to the United States Court of Appeals for the Eighth Circuit in accordance with Fed. R. App. P. 24(a)(4).

Dated this 27th day of November, 2007.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE